IN THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 3.

Attachment: **Replacement Sheet**

REMARKS

This is intended as a full and complete response to the Office Action dated June 1, 2005, having a shortened statutory period for response set to expire on September 1, 2005. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the Abstract and the paragraphs [0011] and [0020] have been amended to correct minor editorial problems. The objection to the Abstract is believed to have been obviated in view of the amendment.

In the drawings, Figure 3 has been amended to correct the placement of reference numeral 18.

Claims 1-16 are pending in the application. Claims 11-16 have been withdrawn from consideration. Claims 5-6 have been canceled. Claims 1-4 and 7-22 remain pending following entry of this response. Claims 1 and 7 have been amended. New claims 17-22 have been added to recite aspects of the invention. Applicants submit that the amendments and new claims do not introduce new matter.

Restriction Requirement

In response to Applicant's traversal regarding the restriction requirement, the Examiner states that "the Examiner agrees with the Applicant that Claim 1 is generic." Applicant submits that the Examiner errs in withdrawing claims 11-16 from consideration since the Examiner appears to have agreed with the Applicant's arguments and did not provide an explanation or reply to Applicant's traversal that the restriction requirement has not been properly established. The restriction requirement is still believed to be improper. Applicant respectfully requests withdrawal of the restriction requirement and reinstatement of claims 11-16 for examination.

Claim Rejections - 35 USC § 102

Claims 1-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Henkels et al.* (US 5,571,743, hereinafter "*Henkels*"). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Henkels* does not disclose "each and every element as set forth in the claim". For example, *Henkels* does not disclose that the first and second selection transistors are vertically disposed on opposite sides of the storage capacitor, respectively. The Examiner argues that *Henkels* discloses first and second selection transistors that are vertically disposed in Figure 1, Figure 2C and column 5, lines 41-50. However, the cited figures and passages are in fact directed to selection transistors that have as its components (i.e., source/drain diffusion region 34 and diffusion region 39) disposed horizontally relative to the capacitor 12. (*See Henkels*, Figures 1, 2B and 2C and column 4, lines 35-43). Therefore, *Henkels* does not teach first and second selection transistors vertically disposed on opposite sides of the storage capacitor, respectively.

Therefore, the claims are believed to be in condition for allowance, and allowance of the claims is respectfully requested.

Claim Rejections - 35 USC § 103

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Henkels* in view of *Min et al.* (US 6,034,879, hereinafter *Min*). The Examiner takes the position that "it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate Henkels et al's dynamic memory cell into Min et al's dynamic memory device for the purpose of reducing impact of coupling noise."

Applicant respectfully traverses this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in

the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the third criteria.

As discussed above, *Henkels* does not disclose each and every element as set forth in the claim. The references cited by the Examiner, either in combination, do not teach, show or suggest that the first and second selection transistors are vertically disposed on opposite sides of the storage capacitor, respectively. Therefore, the claims are believed to be in condition for allowance, and allowance of the claims is respectfully requested.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

Joseph M. Jong
Registration No. 42,698
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant